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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,032	01/29/2004	Alastair Michael Slater	1509-481	2436
22429	7590	10/03/2006	EXAMINER	
LOWE HAUPTMAN BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				WALTER, CRAIG E
		ART UNIT		PAPER NUMBER
		2188		

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/766,032	SLATER ET AL.	
	Examiner Craig E. Walter	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-69 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-69 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1-69 are pending in the Application.

Claims 1, 8, 9, 10, 14, 15, 17, 25, 33, 35, 38, 45, 52, 55, 57, 58, 60, 63, 65, 66, 68, and 69 have been amended.

Claims 1-69 are subject to Election/Restriction.

Response to Amendment

2. Applicant's amendments and arguments filed on 26 July 2006 in response to the restriction requirement mailed on 28 June 2006 have been fully considered, but are moot in view of the new ground(s) of restriction as presented *infra*.

Response to Arguments

3. Applicant's arguments with respect to the restriction requirement have been fully considered, but are moot in view of the newly presented restriction requirement. More specifically, present Examiner withdraws the requirement as set forth by the previous Examiner, as present Examiner believes this requirement was erroneously applied to the instant Application. Present Examiner however adamantly disagrees with Applicant's assertion that the instant application does not place serious burden on Examiner, and further contends that the instant application is in fact directed to more than one independent and distinct invention. Therefore, present Examiner sets forth a new ground of restriction. This restriction requirement is made non-final to allow

Applicant an opportunity to provide his/her retort. Additionally it is worthy to note that Applicant's assertion that class 711 subclass 15 and class 711 subclass 163 are closely related is not persuasive as the former subclass does not even exist in the Office's current classification schedule. Since the previous restriction requirement is withdrawn, Applicant's arguments with respect to the previous restriction requirement are rendered moot.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, 54-59, 65, and 69 drawn to a network-attachable data storage device utilizing a non-volatile memory and a processor to compare characteristics of stored data content in a memory with reference data content characteristics in order to identify a match, classified in class 711, subclasses 103 and 154.
- II. Claims 11-30, 33, 35-37, 52, 53, and 60-64 drawn to a method and a network for storing data content/files based on a set of rules, and subsequently controlling users' access to the memory storing the data content/files, classified in class 711, subclass 163.
- III. Claims 31, 32, 34, 38-51, and 66-68 drawn to a server, a data carrier, programmed memory, and network attached storage device utilizing a processor to obtain a fingerprint of a file in a reference library to compare with a reference

fingerprint to establish a content related attribute of the file, classified in class 707, subclass 6.

5. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility from invention II, such as in a system using a content-addressable memory to store and retrieve data in the memory based on data content. Invention II has separate utility from invention III, such in a system used to increase network security by monitoring and limiting user access to a memory storing files. Finally, invention I has separate utility from invention III, such as use in a network based database utilizing a reference library of stored signatures to manage a plurality of actions to be taken by the network.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification (hence resulting in a divergent search), restriction for examination purposes as indicated is proper. See MPEP § 806.05(d).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig E. Walter whose telephone number is (571) 272-8154. The examiner can normally be reached on 8:30a - 5:00p M-F.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or ~~571-272-1000~~.

Craig E Walter
Examiner
Art Unit 2188

Mano Padmanabhan
MANO PADMANABHAN 9/29/01
SUPERVISORY PATENT EXAMINER

CEW